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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
ELLE et al

Serial No. 10/500,033

Filed: October 26, 2004



Atty. Ref.: 5179-2

TC/A.U.: 3766

Examiner: Oropeza

For: USE OF SENSOR AND SYSTEM FOR MONITORING HEART MOVEMENTS

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January 16, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER RULE 97(d)

Request is hereby made under Rule 97(d) for consideration of the following Information Disclosure Statement for which the requisite \$180 fee is enclosed. Should that fee be missing or inadequate, please charge the deficiency to our Deposit Account No. 14-1140 under Order No. 5179-2.

I hereby certify that each item of information contained in this Information Disclosure Statement, listed on the herewith Form PTO/SB/08a, was first cited in any communication from a foreign Patent Office in/as a Japanese Official Action dated November 11, 2008, issued in counterpart Japanese Application No. 2003-561422, not more than three months prior to the filing of this Information Disclosure Statement. See the attached translation of the Official Action for the degree of relevance and particular passages referenced in the cited document(s).

This Information Disclosure Statement is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f) to enable Applicant to comply fully.

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Consideration of the foregoing and enclosures plus the return of a copy of the enclosed Form PTO/SB/08a with the Examiner's initials in the left column per MPEP 609 are respectfully requested.

Respectfully submitted,

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